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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Australia, Austria, Croatia, Cyprus, Denmark, Finland, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Italy, Latvia, Liechtenstein, Luxembourg, Mali, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nigeria, Norway, Romania and the former Yugoslav Republic of Macedonia: revised draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

[1] See Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), introduction, para. 2.

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Recognizing that natural disasters are a cause of internal displacement, and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards, and climate-related events,

Recognizing also that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,[2]

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[3]

Recalling also the relevance of international humanitarian law, including the Geneva Conventions of 1949[4] and the Additional Protocols thereto, of 1977,[5] as a vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Noting with appreciation the adoption by the International Conference on the Great Lakes Region of the Protocol on the Protection and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons and the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,[6] as steps contributing to the strengthening of the regional normative framework for the protection of and assistance to internally displaced persons in Africa,

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[2] See Guiding Principles on Internal Displacement, principle 6.

[3] E/CN.4/1998/53/Add.2, annex.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[5] Ibid., vol. 1125, Nos. 17512 and 17513.

[6] Available from www.africa-union.org.

Welcoming the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes,[7]

Expressing its appreciation to those Governments and intergovernmental, regional and non-governmental organizations that have supported the work of the former Representative of the Secretary-General on the human rights of internally displaced persons and, according to their roles and responsibilities, have helped to provide protection and assistance to internally displaced persons,

Welcoming the continuing cooperation between the Special Rapporteur on the human rights of internally displaced persons and national Governments, the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Welcoming also the priorities set by the Special Rapporteur contained in his report to the Human Rights Council,[8]

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[9] regarding the need to develop global strategies to address the problem of internal displacement,

Recalling also its resolution 64/162 of 18 December 2009 and Human Rights Council resolution 14/6 of 17 June 2010,[10]

1. *Takes note with appreciation* of the report of the Special Rapporteur on the human rights of internally displaced persons[8] and the conclusions and recommendations contained therein;

2. *Commends* the Special Rapporteur for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

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[7] Art. 7, paras. 1 (*d*) and 2 (*d*), and art. 8, paras. 2 (*a*) (vii) and 2 (*e*) (viii) (see United Nations, *Treaty Series*, vol. 2187, No. 38544).

[8] A/HRC/16/43.

[9] A/CONF.157/24 (Part I), chap. III.

[10] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. III, sect. A.

3. *Encourages* the Special Rapporteur, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, measures of prevention, including early warning, ways to strengthen protection and assistance, as well as durable solutions for internally displaced persons, and, in the latter regard, to use in his activities the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee, and also encourages the Special Rapporteur to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

4. *Recognizes* the adverse effects of climate change as contributors to environmental degradation and extreme weather events, which may, among other factors, contribute to human displacement, encourages the Special Rapporteur, in close collaboration with States and intergovernmental and non-governmental organizations, to continue to explore the human rights implications and dimensions of disaster-induced internal displacement, with a view to supporting Member States in their efforts to build local resilience and capacity to prevent displacement or to provide assistance and protection to those who are forced to flee;

5. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

6. *Welcomes* the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa[6] during the Summit of the African Union held in Kampala, in October 2009, and invites African States to consider signing and/or ratifying the Convention;

7. *Recognizes* that Member States have the primary responsibility to promote durable solutions for their internally displaced persons, thus contributing to their national, economic and social development processes, and encourages the international community, the United Nations system, the Special Rapporteur on the human rights of internally displaced persons, relevant international and regional organizations and donor countries to continue to support international, regional and national efforts to meet the needs of internally displaced persons, on the basis of solidarity, the principles of international cooperation and the Guiding Principles on Internal Displacement,[3] and ensure that humanitarian assistance efforts are appropriately funded;

8. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant United Nations resolutions;

9. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

10. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

11. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

12. *Recognizes* the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

13. *Welcomes* the use of the Guiding Principles by the Special Rapporteur in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

14. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

15. *Expresses its appreciation* that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement;

16. *Urges* all Governments to continue to facilitate the activities of the Special Rapporteur, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Special Rapporteur for visits so as to enable him to continue and enhance dialogue with Governments in

addressing situations of internal displacement, and thanks those Governments that have already done so;

17. *Invites* Governments to give serious consideration, in dialogue with the Special Rapporteur, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

18. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons and by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons where they exist;

19. *Emphasizes* the central role of the Emergency Relief Coordinator for the coordination of protection of and assistance to internally displaced persons, inter alia, through the inter-agency cluster system, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

20. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, and to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

21. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

22. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

23. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Special Rapporteur, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources and relevant data on situations of internal displacement;

24. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Special Rapporteur;

25. *Requests* the Secretary-General to continue to provide the Special Rapporteur, from within existing resources, with all assistance necessary to carry out his mandate effectively, and encourages the Office of the United Nations High

Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs of the Secretariat and the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue to support the Special Rapporteur;

26. *Encourages* the Special Rapporteur to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

27. *Requests* the Special Rapporteur to prepare, for the General Assembly at its sixty-seventh and sixty-eighth sessions, a report on the implementation of the present resolution;

28. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-eighth session.